

QUESTIONS ABOUT YOU

1. Are you responding as:

an individual – in which case go to Q2A

on behalf of an organisation? – in which case go to Q2B

2A. Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose “Member of the public”.)

Politician (MSP/MP/peer/MEP/Councillor)

Professional with experience in a relevant subject

Academic with expertise in a relevant subject

Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

2B. Please select the category which best describes your organisation:

Public sector body (Scottish/UK Government or agency, local authority, NDPB)

Commercial organisation (company, business)

Representative organisation (trade union, professional association)

Third sector (charitable, campaigning, social enterprise, voluntary, nonprofit)

Other (e.g. clubs, local groups, groups of individuals, etc.)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

OneKind is a campaigning animal welfare charity based in Edinburgh and aiming to end cruelty to all of Scotland’s animals. This response is written by staff and supported by the Board on behalf of the membership. OneKind has a history of campaigning to end the puppy trade and has supported the Member in charge of this proposal during the development of the consultation and with previous legislation relevant to dealing in young animals. OneKind has carried out field work in Scotland, visiting a number of dog breeders, and in 2017 published a comprehensive report on the trade, *Scotland’s Puppy Profiteers*, containing an 8-point plan for reform <https://www.onekind.scot/resources/scotlands-puppy-profiteers/>.

3. Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

I would like this response to be published anonymously

I would like this response to be considered, but not published (“not for publication”)

Please give a reason

YOUR VIEWS ON THE PROPOSAL

Aim and approach

A - Reducing the threshold for a breeding licence to three litters a year

1. Which of the following best describes your view of reducing the threshold for a breeding licence from five to three litters in a twelve month period?

- Fully supportive
- Partially supportive**
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response, including any advantages or disadvantages.

OneKind fully supports the proposal to reduce the threshold for a breeding licence requirement from five litters in a twelve-month period. However, we would prefer to see the threshold reduced to two, rather than three, litters per year.

The Breeding and Sale of Dogs Act 1973 requires anyone keeping a breeding or rearing establishment, defined as carrying on a business of breeding dogs for sale, to hold a licence from the local authority. The current five-litter threshold clarifies the point at which this “business” definition is met. In OneKind’s view, there should be a greater focus on whether the breeding is commercial or not. A single litter of certain breeds can have a potential value of several thousand pounds: at the time of writing, a French bulldog puppy (one of a litter of ten) is being advertised by a licensed breeder in South Lanarkshire for £2,200. When such large sums are involved, even a single litter represents considerable income and even relatively low levels of breeding activity are likely to have a commercial aspect. Like other commercial activities involving animals, therefore, these businesses should be subject to specific regulation, monitoring and welfare standards.

While selling just one litter per year can generate a significant income, OneKind accepts that such breeding could be carried out as a hobby or non-commercial interest. However, breeding and selling more than one litter per year appears to us to be unquestionably a commercial activity and therefore should be licensed.

In 2017, OneKind visited a breeder who was advertising a litter of pups for sale from one of her two Border collie bitches. The breeder informed the field worker that she had bred twice in the year from the mother of this litter and reported that the bitch had rejected both sets of puppies before they were five weeks old. The puppies appeared timid and subdued. Keeping only two bitches, this breeder did not require a licence, and was therefore not subject to s. 1(4)(h) of the Breeding and Sale of Dogs Act 1973 which provides “that bitches do not give birth to puppies before the end of the period of twelve months

beginning with the day on which they last gave birth to puppies". From OneKind's observations, this restriction would have been beneficial for the welfare of both mother and puppies. Setting the threshold at two or more litters would ensure greater protection for dogs such as these.

B - Extending the breeding licence regime to any form of transfer, not only sale

2. Which of the following best describes your view of requiring people to be licensed as breeders even if they do not sell their puppies, but transfer them/give them away?

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

Please give reasons for your answer, including any advantages or disadvantages.

OneKind is fully supportive of this proposal. While selling puppies is obviously the primary means of profiting from the trade, there are indirect ways of acquiring benefit including swapping or bartering animals either for other animals or for goods. The UK's organised barter sector has been described as one of the fastest growing in the world (<https://www.theguardian.com/small-business-network/2016/dec/23/small-business-barter-save-cash-cashflow>) and in our view it would take relatively little ingenuity for vendors to convert a trade in puppies for cash to one of puppies for saleable goods.

Another concern is the long tradition of giving away accidentally bred or unwanted puppies, often to "a man in the pub". Without licensing or registration of sales, it is impossible to put any welfare conditions on the parties to the transaction, as the consultation proposes, or indeed to be certain that money is not changing hands.

It is clear from all studies of the illegal trade that unscrupulous individuals will find as many ways as they can to circumvent the law. If the new legislation covers only sales, puppies could still be brought from outwith Scotland, with payment made in advance and only the transfer or handover taking place within Scottish jurisdiction.

The illegal and irresponsible puppy trade has proved to be an intractable problem over the last two decades, with the numbers of puppies trafficked increasing in recent years despite the many initiatives aimed at stemming this trade. Reduction of the quarantine requirement under the Pets Travel Scheme has seen dogs entering the UK via the Scheme rise from 85,299 to 275,876 between 2011 and 2016. OneKind believes that placing a licensing requirement on all transfers would prevent the creation of a loophole which would otherwise unquestionably be exploited, possibly on a very large scale.

C - Introducing a temporary registration scheme for those that breed fewer than three litters a year.

3. Which of the following best describes your view of introducing a temporary registration scheme for those breeding one or two litters in a 12 month period, who wish to sell or transfer their puppies?

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

Please explain the reasons for your answer, including any advantages or disadvantages.

We have already stated our preference for a licensing requirement on anyone breeding two or more litters per year. That said, the introduction of a temporary registration for those breeding one or two litters in a 12-month period, who wish to sell or transfer their puppies, would ensure that no sales can legally take place without accountability and traceability.

As already stated, the sale of a litter can generate several thousand pounds in income, and yet at present hobby breeders can engage in a profit-making activity without any inspection or knowledge on the part of the authorities. Licensing or registering every single sale would allow for the imposition of conditions related to animal welfare, consumer protection and taxation, as well as encouraging or mandating the use of a puppy contract.

Given the ease of online registration, this would not be onerous for either the breeder or the local authority; conversely, it would provide access to guidance and information and give councils a comprehensive picture of dog breeding activities in their areas.

Access to local authority services, from ordering garden waste bins to paying parking fines, is now obtained by way of the MyGovScotland portal. Dog breeding businesses can also interrogate MyGovScotland and navigate to the relevant section of their local council's licensing pages, although some are easier to find than others.

Mandatory registration would provide a simple mechanism by which prospective purchasers could confirm that the vendor was acting legally and openly, and to verify any stories about the origin of the puppy. If the vendor is not registered, purchasers would have clear evidence that something is not right.

The consultation document suggests that local authorities would maintain a record of each temporary registration "for as long as is reasonable, which could be for 12 months."

OneKind would suggest a longer period, with registration details being retained for at least five years, on a rolling basis. This would allow the monitoring of patterns such as multiple sellers at one address, breeders regularly registering two litters per year, number of litters born to an individual bitch in a twelve-month period etc., all of which would aid

enforcement. It would also provide a historic record for the public to interrogate when carrying out their own due diligence with regard to a prospective purchase.

A further advantage of mandatory registration with the local authority is that it will provide a single, consistent regime to cover all transfers of puppies in Scotland and which the public should understand. The Scottish Government's *Scoping Research on the Sourcing of Pet Dogs From Illegal Importation and Puppy Farms 2016-2017* <https://www.gov.scot/Publications/2017/11/1736/0> highlighted the confusion that consumers experience with regard to other schemes, such as Kennel Club registration:

"KC papers do not guarantee the breeder is LA-registered or compliant with welfare regulations, rather it indicates the lineage, age and pedigree of the puppy and permits the owners to engage in KC activities. The purpose of KC papers is not understood by consumers:

... the Kennel Club [Assured Breeder Scheme] one, which is you pay a premium price for the listing. Now to me, that defeats the whole purpose, because I thought Kennel Club papers was trusted trading that you can believe that these people have got Kennel Club stamp approval [FG14].

"KC papers differs from the stringent health and welfare requirements of the regulated KC system of 'Assured Breeder' (detailed below), which is more likely to be what consumers expect from a KC registered breeder. Focus group participants commonly raised their confusion, misunderstanding and mistrust of the regulations and requirements of the trade.

I don't think I'd have a lot of faith in that and that sounds awful, but a council one... it wouldn't make me want to say, "That's a good breeder", I'd just go, "Yeah, so what, you're registered with the council". I would want something that says, "This person is checked on a regular basis", and not just, "I'd better tidy up, I'm about to be inspected", you know [FG1].

People at the breed place said a lot of the time they say, "No papers" because they [KC registered breeders] can't register them because the bitch has already had a litter or three litters or whatever the set is [FG27].

"In most cases, consumers assumed that if the puppy was being advertised (especially with KC papers) then it must be legitimate: "I just presumed if something was Kennel Club approved it would be okay, but I don't know" [FG9].

"Few consumers understood that aspects of the legitimate trade were completely unregulated (that is, do not require registration or checks)."

OneKind hopes that registration will not only be easily understood on the level of "Don't buy from an unregistered breeder", but will also carry with it a reasonable amount of standard-setting. For example, applicants could declare that they will comply with a minimal set of conditions similar to those set out for licensed establishments in s.1 of the Breeding and Sale of Dogs Act 1973, including restrictions on the number and frequency of

litters, and with record-keeping requirements. We recommend that registrants be required to maintain a record for each puppy similar to those required under the Breeding of Dogs (Licensing Records) (Scotland) Regulations 1999 (<http://www.legislation.gov.uk/ssi/1999/176/made>), to include details such as date of birth, sex, weight, breed, description and sale details.

4. Under the proposal, someone with only one or two litters in a 12 month period found to be selling or transferring puppies without completing an online temporary registration would be committing an offence and may be liable to pay a fine. Which of the following best describes your view on this?

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

Please give reasons for your answer, including any advantages or disadvantages.

OneKind acknowledges that the creation of a new offence is a significant step but we are confident that it is justified in the ongoing battle against both the illegal puppy trade and poor standards among some breeders who are not required to be regulated. As already stated, a requirement for registration need not be bureaucratically onerous and needs to be seen in the context of the £13 million trade in puppies and the fact that criminals are constantly developing new means to exploit loopholes in regulations. Failing to comply with a straightforward requirement for every puppy sale or transfer to be registered and recorded could undermine wider efforts to regulate this highly concerning trade.

The Scottish Government report into aspects of the illegal trade *Scoping Research on the Sourcing of Pet Dogs From Illegal Importation and Puppy Farms 2016-2017* (<https://www.gov.scot/Publications/2017/11/1736/0>) stresses the difficulty for consumers in ascertaining that they are buying from a legitimate source:

“Experts reported that many consumers genuinely felt they had followed expert advice and guidance and done all the correct checks, and still became victim to the illegal trade. This was confirmed in the focus groups. For instance:

They [clients of a veterinary practice] wouldn't realise that they'd bought at a farm until they started telling us the conditions the puppies were in and we said, "Do you think it could have been a puppy farm?" and then the realisation kicked in and they were like, 'Oh, no' [FG22].

“As enforcement agencies and NGOs provide advice on an issue, the perpetrators change their behaviour to thwart that public messaging. Furthermore, as the trade becomes more organised, consumers are less able to distinguish the legal and illegal trade using this advice.”

OneKind notes the proposal for a Level 1 fine of £200 for a breach of the registration requirement. The penalties available under s.3 of the Breeding and Sale of Dogs Act 1973 for failure to obtain a licence are a Level 4 (fine of £2,500) and imprisonment for a term not exceeding three months. We do not suggest that penalties for failure to register should be as high as this, but the discrepancy is quite wide. It is also arguable that repeated failures to register should carry a higher penalty, as an unscrupulous breeder could simply decide not to register any litters, accepting the risk of detection and viewing a potential £200 fine as a business expense to set against the money made through sales. Bearing in mind that the Bill will set maximum penalties and that courts seldom levy these, a Level 2 (£500) or Level 3 (£1,000) fine might well be more appropriate,

D - Ensuring future health and welfare needs of dogs through a more responsible and informed approach to acquiring and owning a puppy/dog.

5. Which of the following best describes your view of creating an obligation on prospective owners to consider carefully a set of questions related to their capacity to take on a puppy/dog ?

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

Please give reasons for your answer, including any advantages or disadvantages.

The concept of providing for a standard exchange of information between vendor and purchaser has already been established, for example in the protocols of re-homing charities, and more widely in the Puppy Contract developed by the British Veterinary Association (BVA) Animal Welfare Foundation and the RSPCA. The primary aim of the current Puppy Contract is “to empower puppy buyers and help them to avoid the problems that can arise from buying a puppy from an irresponsible breeder”.

OneKind agrees that it would be highly desirable to ensure that this is a two-way dialogue intended to ensure that every puppy will lead a good life in its new home by making purchasers think about their own circumstances as well.

People can have misguided notions about the ease of caring for a dog, and inappropriate motivations for acquiring a puppy. The Scottish Government’s report *Scoping Research on the Sourcing of Pet Dogs From Illegal Importation and Puppy Farms 2016-2017* <https://www.gov.scot/Publications/2017/11/1736/0> gives many examples of purchasers buying dogs for all sorts of wrong reasons (such as acquiring the same sort of dog as David Beckham), and also not realising the extent of the commitment they are undertaking. One of the expert groups surveyed commented:

“... while we have huge numbers of people saying how wonderful having pets is, there are a significant number who come up with comments like, 'It's much more hassle than it's worth',

'She's much more expensive', 'I shouldn't have chosen that breed', 'I hate not being able to go on holiday' and some quite negative things [E11]."

We agree with the questions already proposed in the Annex to the consultation document and would be happy to suggest others to augment these, such as more specific questions about a purchaser's knowledge of the breed being acquired, and the Scottish Government's Code of Recommendations for the Welfare of Dogs.

The consultation states that there will be a presumption in law that the questions have been considered by prospective owners. This will be a difficult matter to evidence but we agree that this is a reasonable approach, at least initially. We hope that the proposed legislation will change attitudes so that it is accepted that the transfer of a puppy is a significant transaction and must only be undertaken with care.

6. Which of the following best describes your view of placing an obligation on the breeder/keeper of a dog to check that any prospective owner is aware that they should have considered these questions?

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

Please give reasons for your answer, including any advantages or disadvantages.

OneKind agrees fully with the proposal to place a legal obligation on both vendor and purchaser to take responsibility for the current and future welfare of the puppy. The consultation document acknowledges the difficulty of ensuring that the purchaser has considered the relevant questions and it is pragmatic to provide that initial responsibility for doing this should fall on the vendor. It should in any case be part of normal diligence to enquire into the motivation for acquiring the dog and the likely ability of the new owner to meet its needs.

OneKind field work in 2017 found that the breeders visited asked very little about potential purchasers' personal circumstances (although the visits made did not proceed as far as making an actual purchase). We feel that a set of standard questions would be helpful for both parties and should be addressed seriously at the time of the sale. The breeder should go through the questions one by one, rather than simply asking if the set as a whole has been considered. The care with which this process is undertaken will also help purchasers to judge the standards of the vendor prior to making the purchase.

Breeders might find it difficult to interrogate potential owners about any previous animal welfare convictions, important as this is, but this could be managed by way of a declaration as part of the contract of sale. For example, the Puppy Contract requires the Buyer to warrant: "that neither he/she nor any member of his/her household has been cautioned for or convicted of an animal welfare law violation such as neglect, cruelty or abandonment."

7. Which of the following best describes your view of obliging anyone acquiring a puppy from a breeder in Scotland to check that the breeder is licensed or registered?

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

Please give reasons for your answer, including any advantages or disadvantages.

One reason for the persistence of the illegal puppy trade is the largely unintentional complicity of the public. People often report that they “knew” they were probably buying a puppy from a puppy farm, but found they were unable to turn away from an animal that they perceived as being in need of their care.

The Scottish Government’s report *Scoping Research on the Sourcing of Pet Dogs From Illegal Importation and Puppy Farms 2016-2017*

<https://www.gov.scot/Publications/2017/11/1736/0> states:

“First time buyers and people acting on impulse or with limited research often inadvertently fuel and engage in the illegal and irresponsible trade. However, even conscientious consumers may purchase from unscrupulous traders due to the complex, fluid and grey nature of the market. Consumers would benefit from formal data (with sensitive information removed) being shared in the public domain.

“The whole approach of the current proposal for legislation is to set responsible pet ownership in motion from the very beginning – from before that puppy is acquired. It may seem onerous to require purchasers to check on the licensing status of vendors but it is a practical measure that will help to reduce the prevalence of unlicensed sales.”

If prospective purchasers are aware of their obligation to check that the breeder is licensed or registered, they are more likely to do this before they undertake discussions or actually see the puppy, and thus less likely to be drawn in, due to emotional pressure, to an inappropriate sale. Classified advertising sites, which already offer advice to potential purchasers, will be able to make this and other obligations very clear.

Point 3 of the OneKind Puppy Plan, contained in our report *Scotland’s Puppy Profiteers*, <https://www.onekind.scot/resources/scotlands-puppy-profiteers/>, proposes that the handover of the puppy must take place at the address of the premises in Scotland where the animal was born or kept. The main aim of this measure is to end car park handovers where the purchaser has no knowledge of the puppy’s parents or place of birth. It would also offer purchasers a practical method of checking the licensing status.

The Licensing of Animal Dealers (Young Cats and Dogs) (Scotland) Regulations 2008 currently require the dealer to exhibit his licence (or a copy) to the purchaser. Theoretically this could be done when the vendor and purchaser meet to hand over a puppy, but in practice it may rarely happen. Providing that the handover may only take place on licensed premises would make it easier more practical to request or provide sight of the licence.

Purchasing from the designated (licensed or registered) place also gives the buyer a chance to see the seller's health and welfare standards.

Financial implications

8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

(a) Local authorities

Significant increase in cost

Some increase in cost

Broadly cost-neutral

Some reduction in cost

Significant reduction in cost

Unsure

We do not have detailed information about the costs to individual local authorities of regulating dog breeding under the current regime. In 2017, there were around 100 licensed establishments in Scotland. Some local authorities had no licensed breeding establishments, others had a few, and three had between eight and 16 establishments. Establishments ranged in size from keeping two breeding bitches to 50 or more. For obvious reasons therefore, the costs to councils already vary considerably, as do the fees that they charge for licence applications.

The number of hobby breeders in Scotland is not known to us but we assume that it exceeds the number of existing licensed breeders. We also surmise that there will be more hobby breeders in those council areas that already have larger numbers of licensed breeders, for example the more rural areas.

There will be an initial cost to local authorities in setting up a registration system, but the online format could be co-ordinated centrally by COSLA or Trading Standards Scotland and we would not expect it to be particularly expensive.

Any increased costs to councils would be offset by the fees charged with the added benefit of having more information about dog breeding activities in their areas.

(b) Dog Breeders

Significant increase in cost

Some increase in cost

Broadly cost-neutral

Some reduction in cost

- Significant reduction in cost
- Unsure

A small number of breeders who are not covered by the current licensing regime will find themselves coming within its scope with the reduction of the entry threshold, whether that be to three or two litters per year.

The exact charge will depend on the local authority in question and as already stated, these can vary considerably – for example, the City of Edinburgh Council charges £323 plus veterinary inspection for a new licence application, West Lothian Council charges £ 256.91 plus veterinary inspection but the City of Glasgow Council website shows the application fee as £23, with no information about veterinary inspection costs (this may reflect the very low number of licensed breeders in Glasgow). Even at the higher end of the range, these costs appear modest when compared with the selling price of a litter of puppies.

Those breeders not required to obtain a licence will have to undertake temporary registration, and the consultation document refers to payment of a “minimal” fee. This is reasonable, in order to encourage as many people as possible to register promptly.

OneKind believes that these additional costs are reasonable and proportionate.

(c) General public (including dog owners)

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral**
- Some reduction in cost
- Significant reduction in cost
- Unsure

It is possible that breeders may decide to increase their prices in order to cover the additional costs of licensing or registration – again, this will depend on the charge levied by the individual local authority – but we cannot see justification for adding more than £10 or £20 to the price of a puppy.

(d) Police and animal welfare organisations

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost**
- Unsure

Please explain the reasons for your response.

If the proposal achieves its intended effect of reducing and deterring the illegal puppy trade, the police and animal welfare organisations with an enforcement role, such as the Scottish SPCA, should experience a significant reduction in their costs. At present, considerable resources are committed by these and other authorities to the seizure, accommodation and

treatment of illegally trafficked puppies. Re-homing charities such as the Scottish SPCA and Dogs Trust should also find a reduction in the number of abandoned and ill-treated dogs, if owners and dogs are better matched in the first place.

9. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

Yes

No

Unsure

Please explain the reasons for your response.

The proposal is already cost-effective and we do not anticipate that it would involve significant additional public expenditure.

Equalities

10. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation?

Positive

Slightly positive

Neutral (neither positive nor negative)

Slightly negative

Negative

Unsure

Please explain the reasons for your response.

OneKind does not believe that there are any equalities issues associated with either the puppy trade or the proposed Bill.

Sustainability

11. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

No

Unsure

Please explain the reasons for your response.

OneKind can only envisage positive impacts due to a better regulated dog breeding industry and a reduction in animal suffering caused by illegal trafficking and irresponsible breeding and sale.

General

12. Do you have any other comments or suggestions on the proposal?

The consultation makes reference to making it mandatory for the prospective owner to have seen the puppy with its mother. OneKind strongly supports this approach and hopes it will be included in the proposed Bill. We recognise that there may be circumstances where a breeding female has died as a result of an unavoidable circumstance and not related to the standard of care received. For licensed breeders, if a mother has died for whatever reason, it is essential that this be catalogued as part of a comprehensive register of births and deaths of animals being bred or kept. This register should be made available to the licensing authority and be used as part of the licence review process. Not only will this provide evidence of why a puppy is sold without its mother being present, it will also be useful in assessing any establishments that may have a statistically higher mortality rate which could merit further enquiries.

We also urge consideration of a ban on third party sales of dogs. Puppies should not be traded via pet shops or dealers, licensed or otherwise. We appreciate that such a measure would be outwith the intended approach of the Bill, which is to extend the reach of the licensing regime, ensure that all sales are registered, and place additional responsibility and accountability on both vendor and purchaser. However we suggest that, as a minimum, persons selling puppies should be required to declare whether they or another party are the breeders of the litter in question, with sanctions for false declarations.

13. Could the aims of this bill be better delivered in another way (rather than by means of a Bill in the Scottish Parliament)?

Yes

No

Unsure

Please explain the reasons for your response.

A number of other measures and projects have been undertaken in recent years including work by the Pet Advertising Advisory Group, and the Scottish SPCA-led SayNoToPuppyDealers campaign, and OneKind is a member of both of these. Such initiatives have already made a valuable contribution to public education.

However it is well known that the exploitation of any unregulated or under-regulated areas is endemic to the puppy trade, especially the illegal trade. Previous legislation such as the Young Cats and Young Dogs (Dealers) (Scotland) Regulations 2009 does not appear to have been enforced to the highest extent possible and that may be because of a lack of local authority resources. The current proposal will strengthen local authority monitoring, will produce information to make monitoring straightforward, will not be unduly onerous or expensive, and will carry with it the essential sanction of a criminal offence. This last element can only be provided by legislation in the Scottish Parliament.